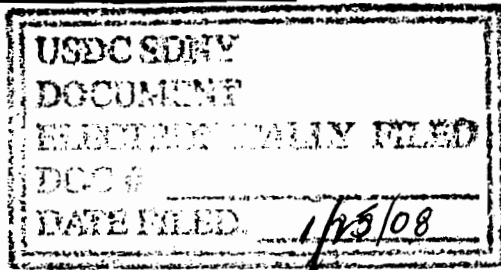
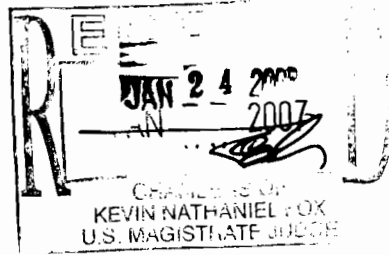


# Thacher Proffitt



## MEMO ENDORSED



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January 24, 2008

Kevin Nathaniel Fox  
U.S. Magistrate Judge  
United States District Court  
Southern District of New York  
40 Centre Street, Room 540  
New York, NY 10007

Mediation: *DB Structured Products, Inc. v. BayRock Mortgage Corporation*  
Case Number: 07 CV 4126 (DLC) (KNF)  
Mediation Date: January 29, 2008 at 10:00 a.m.

Dear Judge Fox,

With the consent of counsel for Defendant BayRock Mortgage Corporation, we write to request an adjournment of the above-referenced settlement conference. The parties are currently in the process of settling this dispute and have exchanged drafts of a proposed settlement agreement. Therefore, we ask that the settlement conference be adjourned, to be rescheduled if necessary.

Please contact me if you have any questions.

1/25/08

*The parties shall, on or before February 13, 2008, submit to the Court a copy of their fully executed stipulation of discontinuance and order of dismissal or shall appear for a settlement conference on February 20, 2008 at 10:30 a.m.*

SO ORDERED:

*Kevin Nathaniel Fox, U.S.M.J.*  
cc (via facsimile):

Respectfully submitted,

*John P. Doherty / by JSK*  
John P. Doherty, Esq.

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